

APPEAL NO. 023112
FILED FEBRUARY 5, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on November 7, 2002. The hearing officer determined that the appellant's (carrier herein) contest of the respondent's (claimant herein) compensable injury was based upon newly discovered evidence; that the claimant did sustain a compensable injury on _____; that the claimant's compensable injury does extend to the claimant's degenerative and other cervical disc conditions and to bilateral injuries to the claimant's knees, but does not extend to the internal derangement and degenerative changes to the claimant's right shoulder; and that the claimant had disability beginning on _____, and continuing through the date of the CCH. The carrier appeals all findings adverse to it—injury, extent of injury (other than the finding that the injury did not extend to the claimant's right shoulder), and disability—as being contrary to the evidence. The claimant did not appeal and did not file a response to the carrier's appeal.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

Conflicting evidence was presented at the hearing on the disputed issues in this case. Injury, extent of injury, and disability are factual questions for the hearing officer to resolve. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer determined that the claimant sustained a compensable injury on _____; that this injury extends to and includes injuries to his bilateral knees and cervical spine; and that the claimant had disability from _____, through the date of the hearing. Nothing in our review of the record indicates that this decision is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order is affirmed.

The true corporate name of the insurance carrier is **SERVICE LLOYDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH KELLEY-GRAY, PRESIDENT
6907 CAPITAL OF TEXAS HIGHWAY, NORTH
AUSTIN, TEXAS 78755.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Daniel R. Barry
Appeals Judge